APPENDIX

APPENDIX A

No. 63337

IN THE SUPREME COURT OF MISSOURI
WD No. 32146

January Session 1982

Paul R. Ahr,
Respondent,

vs.

TRANSFER

Helen and James R. Smith, et al.,
Appellants.

Now at this day, on consideration of Appellants' Application to transfer the above entitled cause from the Western District Court of Appeals, it is ordered that said application be, and the same is hereby denied.

STATE OF MISSOURI—SCT.

I, THOMAS F. SIMON, Clerk of the Supreme Court of the State of Missouri, certify that the foregoing is a full, true and complete transcript of the judgment of said Supreme Court, entered of record at the January Session thereof, 1982, and on the 13th day of April, 1982, in the above entitled cause.

Given under my hand and seal of said Court, at the City of Jefferson City, this 13th day of April, 1982.

/s/ Thomas F. Simon Clerk.
/s/ Norma Jean Creach D.C.

APPENDIX B

SUPREME COURT OF MISSOURI
EN BANC

December 14, 1981

No. 63337

PAUL R. AHR,
Respondent,

vs.

HELEN and JAMES R. SMITH, et al.,
Appellants.

ORDER

On July 10, 1981, the Missouri Court of Appeals, Western District, upon motion of respondent, dismissed this cause for failure of appellants to comply with the briefing requirements of Rule 84.04.

On October 13, 1981, this Court upon appellants' application, transferred the cause "for consideration of the limited issue of whether appellants' points comply with Rule 84.04."

This Court, upon such limited consideration, now determines that the cause should be retransferred to the Court of Appeals.

So ordered.

Day - to - Day

/s/ Robert T. Donnelly
Robert T. Donnelly, Chief Justice

APPENDIX C

IN THE SUPREME COURT OF MISSOURI
EN BANC

NO. 63337

WD #32146

Paul R. Ahr,
Respondent,

vs. TRANSFER

Helen and James R. Smith, et al.,
Appellants.

THE STATE OF MISSOURI to the Judges of the Missouri Court of Appeals, WESTERN District, GREETINGS:

Now at this day, on consideration of the application of appellants Helen and James R. Smith, et al. to transfer the above-entitled cause, No. 32146, from the WESTERN DISTRICT, Missouri Court of Appeals, it is ordered that said application be, and the same is hereby sustained for consideration of the limited issue of whether appellants' points comply by Rule 84.04.

Therefore, you, as Judges of the Missouri Court of Appeals, WESTERN DISTRICT, are ordered to send to this Court on or before the 12th day of November, 19 ....., a full and complete transcript of the record and proceedings in your court, together with copies of all records and briefs filed in your court in the said cause.

It is further ordered that you recall your mandate, if the same has issued, and that you take no further action in this case.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the Seal of said Court, at my office in the City of Jefferson, this 13th day of October, 1981.

/s/ Thomas F. Simon
Clerk, Supreme Court of Missouri

By: /s/ Norma Jean Creach, D.C.

APPENDIX D

IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WD 32146

Cir. Ct. # 7911249201

PAUL R. AHR,
Respondent,
v. (Jackson)
HELEN & JAMES R. SMITH,
Appellant.

ORDER

NOW ON THIS DAY the Court considers Respondent's Motion to Dismiss the appeal in the above-styled cause and being advised that:

(1) On April 27, 1981, Respondent filed a motion to dismiss or in the alternative to strike the brief filed by appellants on March 26, 1981;

(2) On May 11, 1981, the Court denied Respondent's motion to dismiss but instead sustained the motion to strike appellants' brief and gave appellants leave to file an amended brief on or before May 26, 1981;

(3) On May 27, 1981 appellants filed their amended brief;

(4) On June 29, 1981, after giving proper notice in accordance with Supreme Court Rule 84.10 Respondent filed his motion to dismiss based on appellants'

failure to comply with Supreme Court Rule 84.04 and appellants responded to the motion to dismiss;

Now therefore the Court having considered all of the foregoing

IT IS ORDERED that Respondent's motion to dismiss be and is hereby sustained and the above-styled cause is dismissed for the reason that appellants have failed to comply with Supreme Court Rule 84.04.

Dated this 10 day of July, 1981.

/s/ William E. Turnage
William E. Turnage, Acting
Chief Judge

cc: Maria Angela Kendro
Elwyn L. Cady